



**Regular Meeting of the
Planning & Zoning Commission
George A. Purefoy Municipal Center
6101 Frisco Square Boulevard
Frisco, Texas 75034**

Tuesday, January 13, 2009- 6:30 P.M.

MINUTES

ITEM NO.	EXPLANATION
1.	<p>Call to Order/Roll Call</p> <p>Chairman Dave Wilcox called the meeting to order at 6:32 p.m.</p> <p>Commissioners present: Bryan Johnson, Christopher Moss, Will Russell, Clint Richardson, Steve Hulsey, and Jeff Trykoski.</p> <p>Staff present: John Lettelleir, Director of Planning & Development Services; Scott Ingalls, Development Coordinator; Chris Leonard, Neighborhood Services Coordinator; Courtney Kirkendall, City Attorney; Alyssa Sanders, EIT, Brian Moen, Assistant Director of Engineering Services: Transportation; and Kristen Johnson, Administrative Assistant.</p>
2.	<p>Consider and act upon approval of minutes of the Planning & Zoning meeting on December 23, 2008.</p> <p>Commissioner Hulsey moved to approve the minutes. Commissioner Richardson seconded the motion. Motion carries. Vote: 6-0. Minutes approved.</p> <p>CONSENT AGENDA</p> <p>Commissioner Trykoski moved to approve Items 3A – 3D. Commissioner Moss seconded the motion. Motion carries. Vote: 6-0. Items approved.</p>
3A. JE	<p>Revised Conveyance Plat: Custer Bridges, Lots 1R-6R, Block A (CP06-0016)</p> <p>Owner(s): Custer Road Market Place, Ltd.</p> <p>A conveyance plat of six lots on 53.2± acres on the northwest corner of Custer Road and State Highway 121. Zoned Commercial-1. Neighborhood #27.</p> <p>REMARKS:</p> <p>A conveyance plat for this property was approved by the Planning & Zoning Commission on March 27, 2007. The previously approved plat has expired. The applicant is resubmitting the conveyance plat for reapproval to record the plat at the County.</p> <p>RECOMMENDATION:</p> <p>Recommended for approval as submitted.</p>

<p>3B. JE</p>	<p>Site Plan & Final Plat: Custer Bridges, Block A, Lot 2R (SPFP06-0066) Owner(s): Custer Road Marketplace, Ltd. One lot on 2.8± acres, on the west side of Custer Road, 200± feet north of State Highway 121. Zoned Commercial-1. Neighborhood #27.</p> <p>REMARKS: A site plan and final plat for was approved by the Planning & Zoning Commission on March 27, 2007. The project has since been under construction. Due to the expiration of the plat, the applicant has submitted an application for re-approval prior to recordation. The final plat dedicates all easements required for development of Lot 2R.</p> <p>RECOMMENDATION: Recommended for approval as submitted.</p>
<p>3C. SM</p>	<p>Final Plat & Revised Conveyance Plat: Tutor Time, Timber Ridge Plaza, Block A, Lots 1 & 4 (SPFP005-0013) Owner(s): Children's Developmental Resources, Inc. & Mjdb Enterprises, Inc. Two lots on 7.2± acres on the northeast corner of Timber Ridge Drive and Teel Parkway. Zoned Planned Development-183-Office-1. Neighborhood #39.</p> <p>REMARKS: <u>Final Plat</u> The site plan and final plat for a child day care center on Lot 4 was approved by the Planning & Zoning Commission on March 22, 2005. Construction of the development is complete. Due to the expiration of the plat, the applicant has submitted an application for approval prior to recordation. The final plat dedicates all easements required for the development of a child day care center on Lot 4.</p> <p><u>Revised Conveyance Plat</u> The purpose of this plat is to create Lot 1 for future development.</p> <p>RECOMMENDATION: Recommended for approval subject to: <u>Final Plat</u> Additions and/or alterations to the engineering plans as required by Engineering Services. <u>Revised Conveyance Plat</u> As submitted.</p>
<p>3D. MW</p>	<p>Request to: Call a Public Hearing (Z08-0018) Applicant(s): City of Frisco/Trike Properties A request to call a public hearing to amend Planned Development-196-Mixed Use, specifically, Tract 4 regarding the type of permitted residential uses.</p>

REMARKS:

An application has been submitted by Trike Properties, LP and Davis Development to amend the Planned Development to allow the development of mid-rise multifamily on Tract 4 in lieu of the multi-family.

To amend a portion of a Planned Development, the entire property governed by the Planned Development Ordinance must be opened up for consideration. There are currently three property owners within the boundaries of the Planned Development:

- Trike Properties
- Champion Warren, LTD
- Post Properties

Per the Comprehensive Zoning Ordinance, all property owners must be a part of the application or the Planning & Zoning Commission or City Council may call a Public Hearing in order to amend the Planned Development "when it finds that public benefit will be derived from consideration of such matter". Champion Warren, LTD is party to this application. Post Properties is developing a similar product on two other tracts within the Planned Development. While Post Properties does not object to the rezoning, they do not feel it is appropriate for them to be party to an application for a competing product.

Staff has been working with the applicant for several months to bring forward this zoning change. The applicant has agreed that their development will follow the same development standards that are currently in place for the other mid-rise and mixed-use tracts within the Planned Development. These same standards will be applied to Tract 4 as part of the amendment.

RECOMMENDATION:

Staff recommends that the Planning & Zoning Commission call a public hearing to consider amending Planned Development-196.

END OF CONSENT AGENDA**PUBLIC HEARINGS**

4. Public Hearing: Comprehensive Zoning Ordinance Amendment ZA08-0005
SI Applicant(s): City of Frisco

A request to amend Article IV, Section 9.12 (A) of the Comprehensive Zoning Ordinance regarding the definition of Automotive Uses.

Scott Ingalls reviewed staff comments with the Commission and recommended approval.

Commissioner Moss moved to open the public hearing. Commissioner Russell seconded the motion. Motion carries. Vote: Unanimous.

There being no one to speak, Commissioner Johnson moved to close the public hearing. Commissioner Moss seconded the motion. Motion carries. Vote: Unanimous.

Following review and discussion, Commissioner Moss moved to approve. Commissioner Russell seconded the motion. Motion carries. Vote: Unanimous. Item approved.

REMARKS:

Article IV, Section 9.12 provides for separation from residential development and automotive uses including such uses as:

- Sales;
- Leasing;
- Renting;
- Repairing;

- Servicing; or
- Washing of automobiles and other motor vehicles.

The intent of this section is to minimize the impact that these automotive uses would have on adjacent residential neighborhoods. Adverse impacts would include noise from engines, loud speakers, radios, fuel pump speakers, and vehicle passengers. It would also include fumes such as engine exhaust and fuel spills.

What the section does not address is convenience stores with fuel pumps or simple fueling stations such as can be found at grocery stores or other big box retail businesses. This was the original intent of the amendment but the approved ordinance clearly did not address this situation.

The definition does not include the fueling of automobiles and other vehicles as an automotive use and this action is not covered under those uses that are listed. This issue was recently discovered while addressing a situation that would place a convenience store with fuel pumps in close proximity to a residential neighborhood.

This issue can be resolved with the addition of fueling under the definition of automotive use. This will continue the intent of the section and provide a buffer between residential neighborhoods and convenience stores with fuel pumps or fueling stations.

RECOMMENDATION:

Recommended for approval as submitted. Underlines indicate the addition of text; strikethroughs indicate the deletion of text.

ARTICLE IV – SITE DEVELOPMENT REQUIREMENTS

SECTION 9 – SPECIAL AND ADDITIONAL SUPPLEMENTARY REGULATIONS

9.12 ADJACENCY OF CERTAIN USES TO RESIDENTIAL ZONING

(A) All buildings, gasoline pump islands, vacuums, outdoor speakers, gasoline or fuel storage tanks, air and water dispensers, and other structures in conjunction with any automotive use shall be located a minimum of two hundred fifty (250) feet from any residential zoning district. No service bay shall face a residential zoning district. An automotive use shall be defined as the:

- Sales;
- Leasing;
- Renting;
- Servicing;
- Repairing;
- Fueling; or
- Washing of automobiles, motorcycles, trucks, or any other motor vehicle.

END OF PUBLIC HEARINGS

5. General Information

- i. Scott Ingalls updated the commission on the results from the January 6, 2009 City Council meeting.
- ii. Sustainability Presentation Series. John Lettelleir presented a presentation on Environment sustainability.
- iii. Scheduling of future Discussion Items. Commissioner Trykoski inquired on the status of providing future items on the agenda, the topic of parking lots in particular.

6. Adjourn

There being no further business, Commissioner Moss moved to adjourn the meeting at 7:14 p.m. Commissioner Russell seconded the motion. Motion carries. Vote: Unanimous. Meeting adjourned.

Dave Wilcox, Chairperson

Bryan Johnson, Secretary